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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/478,372 | 01/06/2000 | Kenji Nakamura | 018656-122 | 1600 |
| 21839 | 7590 | 10/01/2003 | EXAMINER | |
| BURNS DOANE SWECKER & MATHIS L L P POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404 | | | LUU, THANH X | |
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| | | | 2878 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/478,372 | NAKAMURA, KENJI |
| | Examiner Thanh X Luu | Art Unit 2878 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 6-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 6-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to amendments and remarks filed July 16, 2003.
Claims 6-18 are currently pending.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 11-14 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant cites page 23, line 21 - page 25, line 9 in support of Applicant's addition of the terms "directly comparing." Examiner could not find sufficient support at such citations. Examiner invites Applicant to more clearly identify support for such language, as it appears that it is new matter.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 6-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hasegawa et al. (U.S. Patent 5,715,043).

Regarding claims 6-10, Hasegawa et al. disclose (see Figures 17-21) an image sensing device comprising: a first optical system (lens 1L; see Figure 2) for forming a first object image (15L, 16L); a first area sensor (4L_a, 4L_b) having sensing elements disposed two-dimensionally arranged in the approximate image forming plane of the first optical system for receiving light of the first object image; a second optical system (lens 1R; see Figure 2) for forming a second object image (15R, 16R); a second area sensor (4R_a and 4R_b) having sensing elements disposed two-dimensionally arranged in the approximate image forming plane of the second optical system for receiving the light of the second object image; a signal reader for reading a first photoreception signal group from the first area sensor, a second photoreception signal group from the second area sensor and a third photoreception signal group from the second area sensor (see Figure 20); a position detector (40_a, 40_b) for detecting a first image interval (phase difference) based upon the second photoreception signal group and the first photoreception signal group and for detecting a image interval based upon the third photoreception signal group and the first photoreception signal group; and an angle detector (see Figure 21, step S14 and column 15, lines 15-25 and column 24, lines 39-42) for detecting a magnitude of an angle of the second object image relative to an axis of the second area sensor based on the detected image intervals. Hasegawa et al. further disclose (see Figure 20) the second and third photoreception signal groups include reception signals from a same part of the second area sensor (4R_a and 4R_b). Hasegawa et al. also disclose (see Figure 20) calculating an object distance (45) based on a distance between object images formed on the first and second area sensors.

Hasegawa et al. further disclose (see Figure 24) correcting for distance errors between object images as claimed.

Regarding claims 11-14, Hasegawa et al. disclose (see Figures 2, 17-21) an image sensing device, comprising: an optical system (1L or 1R; see Figure 2) having a single optical axis for forming an object image; a first sensor array ($4L_\alpha$ or $4R_\alpha$) arranged in the approximate image forming plane of the optical system for receiving the light of the object image; a second sensor array ($4L_\beta$ or $4R_\beta$) arranged in the approximate image forming plane of the optical system for receiving the light of the object image; a signal reader (see Figure 20; 40_α and 40_β) for reading a first photoreception signal series from the first sensor array and a second photoreception signal series from the second sensor array; a position detector (42) for detecting an image interval (phase difference) based upon the second photoreception signal series and the first photoreception signal series; and an angle detector (see Figure 21, step S14 and column 15, lines 15-25 and column 24, lines 39-42) for detecting a magnitude of an angle of the object image relative to an axis of one of the sensor arrays based on the detected image interval. The angle is inherently based on relative positional relationship of the sensor arrays since the angle is measured relative to the arrays. Hasegawa et al. further disclose (see Figure 17) the second sensor array is parallel to the first sensor array and the image sensing device is used in a distance measuring (see Figure 20) device.

Regarding claims 15-17, Hasegawa et al. disclose (see Figures 2 and 17-21) an image sensing device, comprising: an optical system (1) for forming an object image; an

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area sensor ($4L_a$, $4L_\beta$ and $4R_a$, $4R_\beta$) having sensing elements disposed two-dimensionally arranged in the approximate image forming plane of the optical system for receiving the light of the object image; a signal reader (see Figure 20; wires from the sensors to the phase difference detector circuits) reading a first photoreception signal group from the area sensor and a second photoreception signal group from the area sensor; a position detector (40_a and 40_β) for detecting an image interval based upon the second photoreception signal group and the first photoreception signal group; and an angle detector (see Figure 21, step S14 and column 15, lines 15-25 and column 24, lines 39-42) for detecting a magnitude of an angle of the object relative to the an axis of the area sensor based on the detected Image interval. The angle is inherently based on relative positional relationship of the area sensor since the angle is measured relative to the sensor. Hasegawa et al. further disclose (see Figure 13) the image sensing device is used in a distance measuring device.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa et al.

Regarding claim 18, Hasegawa et al. disclose the claimed invention as set forth above. Hasegawa et al. do not specifically disclose the image interval is determined by

calculating a correlation coefficient of luminance distribution as claimed. However, Hasegawa et al. teach (see Figures 38A and 38B) it is conventional to calculate correlation coefficients (correlation factors) of luminance distribution in determining an image interval. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide such a calculation in the apparatus of Hasegawa et al. to improve accuracy in detection.

Response to Arguments

7. Applicant's arguments filed July 16, 2003 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the sensing elements arranged in one unit and having one set of electrical connections) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claim 11, Applicant asserts that Hasegawa et al. do not disclose comparing the same object image, but rather two images. Examiner disagrees. It appears that Applicant is confused between the terms "object image" and "image." Object image is the actual object. Image is what is detected by the sensor arrays. Since Applicant's invention uses two sensor arrays, it has to produce two images of the same object image. Further, since the image arrays of Hasegawa et al. image one object, it does detect the same object image.

Applicant also asserts that Hasegawa et al. uses two different optical systems. Examiner disagrees. As stated in the rejection above, the optical system is either 1L or 1R of Figure 2. Since the two image arrays (as cited above) only use either 1L or 1R, this limitation is met. The presence of additional optical systems is permitted since Applicant uses the term "comprising."

Thus, as set forth above, this rejection is proper.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is (703) 305-0539. The examiner can normally be reached on Monday-Friday from 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta, can be reached on (703) 308-4852. The fax phone number for the organization where the application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

txl
September 26, 2003



Thanh X. Luu
Patent Examiner